

BOARD OF REVIEW DECISION

Title of publication: 37638-0 181597_1.1.E01\Acer (NTFS,
6)\Users\Roger\Pictures\2011-12-26 December
2011\Thumbs.db\256_49209994a482d8f8.jpg

Other known title(s): Not stated

OFLC ref: 1900147.003

Medium: Image File

Maker: Not stated

Country of origin: Aotearoa New Zealand

Language: Not applicable

Applicant: Roger Beanland

Classification: Objectionable.

Descriptive note: None

Display conditions: None

Date of entry in Register: 12 November 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 08 November 2019

Summary of reasons for decision:

This was an application made to the Board under section 47(2)(c) of the Films, Videos and Publications Classification Act 1993 (the Act) for a review of the decision of the Office of Film and Literature Classification (the Classification Office) dated 4 July 2019. The publications subject to this review are seven individual images, three of which are a set apparently taken in the same place within a short space of time, and the other four of which are similarly taken in the same place as each other within a short space of time (being a different time and place from the first set) (together, “the images”). Each of the images was considered separately by the Board.

In its decision, the Classification Office classified each of the images as objectionable under the Act. The applicant sought a review of that decision.

After reading submissions from the applicant, the Classification Office and the New Zealand Police, and reviewing the images, the Board has determined that each of the images should be classified as objectionable under the Act.

A majority of the Board deemed each of the images as objectionable under section 3(2)

because they supported the sexual exploitation of children.

In addition, the Board unanimously determined each of the images to be objectionable because they describe, depict, express or otherwise deal with sex in such a manner that its availability is likely to be injurious to the public good (section 3(1), applying the factors set out in section 3(3) and 3(4)).